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ABSTRACT

This paper calls for a coordinated effort of the public, the juvenile court system, and the schools to alleviate juvenile problems in the 1980s. The following needs are discussed and deemed necessary to this common effort: to identify the problem child at the earliest possible stage; to develop new approaches to the challenge of the child advocate regarding the legal rights of children; and to respond to the special problems of a greater number of deviants through alternative educational and justice programs. The paper concludes that society contributes to the confusion and rebellion of adolescents when judicial authority and educational authority speak with conflicting voices. (Author/LD)

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"JUVENILE COURTS AND PUBLIC SCHOOLS IN THE 1980S"

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Problems facing juvenile justice in the 1980s are strikingly similar to the problems confronting public education as I understand them. Significantly, the social factors which have contributed to these problems are also nearly identical.

Prior to the adolescent population boom of the 1960s and the crisis created by the decline of the nuclear family and by other social maladies, both public education and juvenile justice enjoyed broad public support. We allowed, even encouraged, the public to believe that our school system could provide both learning skills and education and could assure the development of a worthwhile value system for an overwhelming majority of American children. The public was also allowed to believe that in the rare instances of unacceptable deviancy the juvenile court, acting through a wise and kindly judge, could bring about reformation of a recalcitrant child. Because we basked in the soft light of public acceptance, we did not then find it necessary to assert that schools and courts can do their job only when parents have prepared children to learn and to accept meaningful values. When we were confronted with a population explosion which overcrowded our classrooms and which taxed the capabilities of the juvenile justice system our institutions blew a fuse. We were

not prepared for the numbers we were called upon to educate or correct, neither were we prepared for the impact that our declining social values had on the attitudes or behavior of our adolescent population. Parents and society generally were given a free ride and it is little wonder that when the system ceased to operate as it always had operated, the whole society began to ask, "Why can't Johnny read," and to adopt the cliche that "juvenile courts do nothing but coddle hoodlums."

In the middle 1970s the adolescent population began to level off and decline, relieving one aspect of the crisis of the '60s. I would suggest, however, that we have not now returned to the time when deviancy among children was an exception and when good citizenship was the rule. We will not return to that time within the foreseeable future, and it is now imperative that both schools and courts retool to deal with a new kind of child. The public must be made to know that schools cannot educate a child who has not been prepared to learn and that courts cannot rehabilitate a youth who has not been habilitated in the first place.

If the problems of the 1980s are to be solved or alleviated, it must be done through a coordinated effort of all institutions serving our child population and we must call with a common voice for greater public support and greater parental responsibility.

There are, of course, problems which are unique to education and which are not as critical to the juvenile justice system. Probably the greatest challenge facing education today is an economic crisis brought about by declining tax bases in our metropolitan areas coupled with a Proposition 13 mood which threatens to strike at public education before it affects any other area of governmental service.

The juvenile court also faces unique problems. We must relate to public demand for greater safety on the streets and other public places, knowing as we respond that the correctional institutions provided by the states of this nation for their children are little more than warehouses and academies for crime.

Just as each of our institutions faces unique problems, however, we face many common problems that must be addressed if education and justice are to reclaim any part of the public confidence which was held through the 1950s. I suggest that we have the following areas of common concern:

One, a need to identify at the earliest possible stage those children whose backgrounds have not provided them a base for mainstream education or equipped them to cope appropriately with the society in which they live. Needless to say, acquisition of the tools for identification of the problem child will be useless

unless we can also be provided and can develop the resources necessary for a response to these problems. Such resources must include heavy emphasis on remedial education, a new way to make good citizenship logical to the adolescent mind, and, perhaps, even environmental manipulation, before deviant behavior grows into antisocial attitudes which are difficult if not impossible to change.

The second problem faced alike by education and juvenile justice is the need to develop new approaches to the challenge of the child advocate regarding the legal rights of children. One area in which these legal rights manifest a need for a new response is in the compilation and safe-guarding of records. Child advocates are now intensifying their demand that educational and judicial records be kept confidential to the public, but open to the child and his family and subject to challenge.

The other challenge to our systems, based on postulated rights of children, is the replacement of the parent substitute role of courts and schools in disciplining children with new due process and equal protection fact finding and disciplining procedures. I would suggest that issues surrounding the legal rights of children will present thorny problems for both of us during the 1980s, will require us to assume the unwanted posture of changing systems which are difficult to change and will impose

from the outside changes in our systems the scope of which are not fully appreciated by child advocates.

The third problem which I would suggest that we would share in common is the need to respond to the special problems of a greater number of deviants through alternative educational and justice programs. Education is now moving ahead in the establishment of special schools and special classes for the disruptive student and I view this as a step in the right direction. I call upon you to recognize that although expulsion and suspension might temporarily relieve the immediate problem of the school, they certainly do nothing to improve the child's ability to respond appropriately, nor do they adequately relate to the personal or property rights of a public endangered by a growing number of idle adolescents. Vocational education has been lauded as a means of relating to the needs of those who are not academically gifted but too many of these programs start at a point in age or in academic progress which does not relate to the time when problems first manifest themselves. Vocational education on a high school level offers no help to a junior high school drop-out, nor does a program pegged for the 16 year old meet the needs of children whose academic problems effectively ostracize them from the system at the age of 13, 14, or 15.

There is much to be said in support of law related education as a part of the public school curriculum of the future. To borrow

a phrase from the director of the American Bar Association program on law related education, it would make as much sense for our schools to set aside one day a year as math day or English day and to otherwise ignore these courses as it does to suppose that we have adequately educated children in the logic of the law by providing a law day program once a year. Today's children appear to have as much naivete about the law as children a few generations ago had about sex.

There are countless other problems which we could relate to as common problems of education and juvenile justice if time permitted. I hope we have given enough examples in support of our position that we contribute to the confusion and the rebellion of adolescents when judicial authority and educational authority speak with conflicting voices. I would suggest that children deserve to know that there is a common effort to deal with their needs as total human beings by responsible adult society. To this end the National Council of Juvenile and Family Court Judges has assumed the initiative in inviting educational and community related associations, including yours, to join in a symposium this year to investigate means of improving liaison among the child serving offices of the country. The problems are too great in juvenile justice for courts to handle them alone, and those

of us in the judicial system are too dependent upon education as a source of delinquency prevention, second only to the home itself, to intelligently allow you a lack of support in meeting your needs for this decade. The fact that education and justice have not cooperated with each other or with other community agencies to demand the best resources for our children does not justify an assumption that we can afford this kind of isolation in the future. The National Council of Juvenile and Family Court Judges has made a strong commitment to cooperation with leaders in education and it is my sincere hope and belief that you share the desire for cooperative service in the future.